G. R. S. IX-5.

Previous references.

1888
—191—.
(police

File No. 2

Serial Nos. 1—4

Later references.

police 4-1892

(11)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

Part B for October 1888

SUBJECT.

Summonses to Railway Subordinates.

W D 88—GPB—50,000—24-7-16

(General Serial No. 29.)

1888.

From The Offg. Chief Judge of Mysore

To The Secretary to the Dewan of Mysore.

Dated 7th August 1888

Despatched

Received

Enclosures No. four

General No. 3686
No. 66 } 188 —8 .

Forwards in original letter No. 634 of the 23rd ultimo with its enclosure from the Magistrate of Mysore and recommends that the Manager of the Southern Mahratta Railway Company be requested to name the particular Heads of Departments through whom summonses issued to Subordinates of the Company may be transmitted.

Forwarded for the information of the Resident and if there is no objection the request may be complied with.

Manager S.M.R. Co.

R/s.

10/8

(1)

No. 3686/66

Bangalore 7th August 1888.

From

J. R. A. Thumboo Chetty, Esqre.
Offg. Chief Judge of Mysore

To,

R. Sheshadri Iyer, Esqre, B.A.L.
Dewan of Mysore

Sir,

In forwarding, in original, letter No. 634 of the 23rd Ultimo, with its Enclosures, from the District Magistrate of Mysore, in regard to the service of Summonses on Railway Subordinates through their official Superiors, I have the honor to recommend that the Manager of the Southern Mahratta Railway Company be requested to name the particular Heads of Departments, through whom Summonses issued to Subordinates of the Company, may be transmitted. It would

+ to be obligingly returned. –

be convenient, by the Station Master of each Station be treated, under section 7 2, Criminal Procedure Code, as the Head of the Office, who shall cause all Summonses sent to him to be served on Subordinates in his station -

I have the honor to be,
Sir,
Your Most Obdt: Servant,

P. Thumboo Chetty
Offg: Chief Judge.

Lb

1
S.96

4

Jud. 1
(General Serial No. 30) Dept (2)

188

From

To The Asst to the Resident

Police
2 0888
No 2

Dated 3333 14/8/88

Despatched 14

Received

Enclosures No. 5

General No. 3545
No. 245

Sir

I am forwarding herewith a copy of letter No. 3686 of the 7th instant, (68) together with its original enclosures (to be kindly returned), from the Obsg: Chief Judl Officer Mysore, in regard to the Services of Summonses on Railway Pointsmen & their Official Superiors, & am directed to request that the necessary information therein required, may be kindly obtained from the Managing, S. M. Railway Company.

I have the honor to be
Sir
Your obedient servant
[illegible]

Imperial Copies
& Resolutions
of Chief Court
S 24/6

(General Serial No. 30)

188

From

To

Section police
File No 2-1888
Serial No 3

Dated 8-10-98
Despatched
Received

Enclosures No. 3

General No. 3357
No. 4058

Forg Copies of Resolution
of the Bombay Govt
regd the Channel Hors'
which Summonses shd
be served on employés
of the Impne State
Railways —

6 No. 3355/4058 En 7 (3)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Sir Submitted
24-10-80

Dated, Bangalore, 8th October 1880.

SIR,

I am directed to acknowledge the receipt of your Office letter No. 3540/245 dated 11th August 1880 regarding the channel through which Summonses should be served on employés of the Mysore State Railway.

2 In reply, I am to forward copies of the Resolutions of the Bombay Government specified in the margin which appear to the Resident to answer the question raised in the present correspondence.

Judicial Deptt No. 3337 dated 27th June 1880.
Railway Department No. 1474 dated 11th July 1880.
(with 2 spare copies)

I have the honor to be,
Sir,
Your most Obedient Servant,

Asstt to the Resident.

9/5.96

(General Serial No. 30)

(4)

1888.

From

To The Registrar & Chief Court of Mysore

Section Police
No 2 1888
No 4

Dated 25 October

Despatched

Received

Enclosures No. 4

General No. 4972
No. 42

With reference to the Offg Chief Judges letter No 3686/66 dated the 7 August 1888, I am directed to forward two copies each of the Resolutions of the Bombay Govt noted on the margin regarding the Channel through which Summons should be served on employes of the Southern Mahratta Railway

By
order

10

IN THE CHIEF COURT OF MYSORE.

CIVIL SIDE.

Circular Letter No. 90, *dated* 12*th November* 1888.

To

The Judges of all Civil Courts.

Civil 4

SIR,

I am directed to forward for your information, the accompanying copies of Resolutions of the Bombay Government, regarding the channel through which summonses should be served on employés of the Southern Mahratta Railway.

No. 3337, dated 27th June 1888.
No. 1474, dated 11th July 1888.

I have the honor to be,

Sir,

Your most obedient Servant,

L. ANANTASWAMI RAO,

Registrar.

Railway Servants.

Arrest of — in execution of Civil Courts' decrees.

No. 3337 of 1888.

JUDICIAL DEPARTMENT.

Bombay Castle, 27th June, 1888.

Letter from the District Judge of Thána, No. 898, dated 27th April, 1888—Submits for orders a letter from the Subordinate Judge of Kalyán and the correspondence that has passed between the Subordinate Judge and the officers of the G. I. P. Railway Company, in regard to the arrest of a railway porter. States that in accordance with the instructions contained in Government Resolution No. 456, dated 23rd January 1879 the bailiff gave notice to the Station Master, but that the latter refused to relieve the porter unless ordered to do so by the District Traffic Superintendent. States further that the matter having been referred to the General Traffic Manager by the Subordinate Judge he wrote to say that the person who is responsible for providing a substitute is the District Traffic Superintendent and not the Station Master, and that therefore the Station Master was right in objecting to relieve the man. Observes that Government in Resolution No. 456 of 23rd January 1879 ordered the adoption of a course proposed by the District Judge of Khándesh, *viz*, that the bailiffs should first acquaint the immediate superior of the employés about to be arrested, &c. Points out the inconvenience and undue delay in the execution of Courts processes if bailiffs were required to communicate by letter with persons not on the spot; and expresses his opinion that the Railway Company should authorize Station Masters to communicate with the District Traffic Superintendent by telegraph.

RESOLUTION.—The term "immediate superior" in the passage from the letter of the District Judge of Khandesh, approved in Government Resolution No. 456 of 23rd January 1879, should be deemed to mean a railway official of the rank of Station Master, Foreman or Inspector, but not one of lower rank.

2. If the "persons who have authority to find substitutes" are not on the spot where a bailiff has to arrest a railway servant, it will be sufficient if the bailiff intimates his mission to the servant's immediate superior, as above defined. It should be the duty of the latter to communicate with the authority who can arrange for the employment of a substitute, if he has not that power himself, and he should do so by the speediest possible means, so that the period for which it will be necessary to defer the arrest may be as short as possible.

3. These orders are issued with the concurrence of the Public Works Department (Railway).

(Signed) J. J. HEATON,
Acting Under-Secretary to Government.

To
The Registrar of Her Majesty's High Court of Judicature, Appellate Side (by letter).
The Judicial Commissioner in Sind.
The District Judge, Thána,
The other District Judges (including Sind).
The Chief Judge of the Court of Small Causes, Bombay.
The Judges of the Courts of Small Causes in the Mofussil.
The Public Works Department (Railway).

No. of 1888.
Copy forwarded for information and guidance to

Copy of Chancery Court
Ca No 90 3/12/1/8

Arrest of Railway Servants in the execution of Civil Courts' decrees.

No. 1474 of 1888.

P. W. Department,
Railway.

Bombay Castle,
11th July 1888.

Resolution of Government in the Judicial Department, No. 3337, dated 27th June 1888.

Rules that the term "immediate superior" to whom intimation is to be given by the bailiff of his intention to arrest a Railway employé in the execution of Civil Courts' decrees should be deemed to mean a railway official of the rank of Station Master, Foreman and Inspector, but not one of lower rank; that if the persons who have authority to find substitutes are not on the spot where a bailiff has to arrest a Railway servant, it will be sufficient if the bailiff intimates his mission to the servant's immediate superior as above defined; and that it should be the duty of the latter to communicate with the authority who can arrange for the employment of a substitute if he has not that power himself, and he should do so by the speediest possible means, so that the period for which it will be necessary to defer the arrest may be as short as possible.

RESOLUTION.—To be communicated to the Consulting Engineer for Railways and the Railway Administrations, under the control of the Government of Bombay for information and guidance in continuation of Government Resolution Nos. 241, dated 5th February 1879, and 334, dated 7th February 1881.

R. A. SARGEAUNT, MAJOR, *R. E.*,
Acting Joint Secretary to Government.

To

The Consulting Engineer for Railways.
The Agent, Great Indian Peninsula Railway Company.
The Agent, Bombay, Baroda and Central India Railway Company.

} With copy of Government Resolution No. 3337 of 1888.

The Agent, and Chief Engineer, Southern Mahratta Railway Company.
The Manager, Bhavanagar-Gondal-Junagad-Porbandar Railway.
The Manager, Morvi Railway.

} With copies of Government Resolutions No. 241 of 1879, 334 of 1881 & 3337 of 1888.